

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
WESTERN DIVISION

Cody Prudente, as Personal Representative
of the Estate of John Prudente, Jr.,
deceased,

Sandra Prudente, and

John Prudente, Sr.,

Plaintiffs,

v.

Mary Hamilton, individually and in her
official capacity as a City of Mandan
Police Officer,

Joshua Scherr, individually and in his
official capacity as a City of Mandan
Police Officer,

Dominic Hanson, individually and in his
official capacity as a City of Mandan
Police Officer,

Peter Czapiewski, individually and in his
official capacity as a Lieutenant of City of
Mandan Police,

David Raugust, individually and in his
official capacity as a Sergeant of City of
Mandan Police, and

City of Mandan,

Defendants.

Civil No: 1:22-cv-00024

AFFIDAVIT OF JOSHUA SCHERR

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF MORTON)

The undersigned, herein being duly sworn and deposed, states the following:

[1] My name is Joshua Scherr, and I am a defendant in the above-entitled case. As such, I have personal knowledge of the information contained in this affidavit.

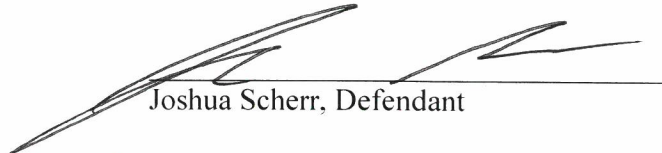
[2] At all relevant times, I was a police officer employed by the City of Mandan.

[3] On February 8, 2020, I overheard on the radio that Prudente had a warrant and began to flee. I then proceeded to the location to assist. While in route, Sergeant Raugust radio that Prudente was fighting. Upon arrival, I saw Officer Hamilton, Officer Hauck, Lieutenant Czapiewski, and Sergeant Raugust were on scene. I assisted Lieutenant Czapiewski in keeping Prudente under control and on his side. Prudente was screaming but he was difficult to understand.

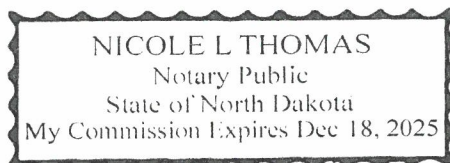
[4] Lieutenant Czapiewski advised me to contact the ambulance. Prudente became unresponsive and I began a sternum rub. I observed that Prudente's face turned bluish/purple and that he did not appear to be breathing. I uncuffed Prudente and began chest compressions. I assisted with getting Prudente loaded into the ambulance.

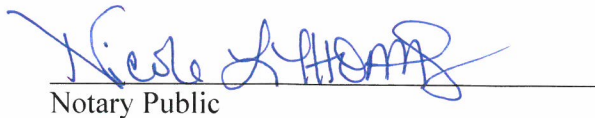
FURTHER AFFIANT SAYETH NOT.

Dated this 8th day of August, 2023.


Joshua Scherr, Defendant

Subscribed and sworn before me this 8th day of August, 2023.




Notary Public